

## 2023 PRESTO Law Enforcement Requests Data Transparency Report

Metrolinx has an established process to facilitate access to PRESTO information by law enforcement agencies or other entities in very limited circumstances. This process includes logging and verifying the authority of the requestor, the purpose of the request, and the reasonableness of the kind and amount of information requested vis-a-vis the stated purpose. Metrolinx's process is rigorously managed and monitored by Metrolinx's Privacy Office staff, follows the requirements of the Freedom of Information and Protection of Privacy Act, and incorporates best practices as recommended by Ontario's Information and Privacy Commissioner.

In 2023, Metrolinx received 410 requests from law enforcement for PRESTO customer data (an increase of 181 requests (or 80 percent) over 2022's 229 total requests). We documented an increase in 2021 of 43 per cent and that increase continued in 2022 where we noted a further increase of 56 per cent from the year before. However, in 2023 information was only disclosed 40 times (or less than 10 percent of the time.) Last year saw 65 disclosures (or information provided in response to a request 28 percent of the time).

While the number of *active* PRESTO cards used continued to increase from 2022 to 2023 by 59 per cent (reflecting an increase in ridership post-pandemic), information relating to only 3,363 unique cards or accounts was disclosed through the law enforcement request process - or, by comparison, less than 0.05 per cent of all cards/accounts in circulation.

During the summer months we noted a *significant* increase in missing persons requests. The Privacy Office has worked closely with Law Enforcement Agencies to ensure that our process continues to balance public safety and good customer service with an appropriate level of oversight to help Metrolinx meet its commitment to protecting the privacy of PRESTO card users as well as our commitment to the safety and security of the transit system and its passengers.

Based on feedback from both internal and external stakeholders, the Privacy Office also initiated a full review of our Law Enforcement request processes, as we identified it as a key continuous improvement priority. As part of our continuous improvement initiative, we have actively engaged internal and external stakeholders to identify areas of opportunity to improve the responsiveness of data, and we are closely working with requesters to determine when available data may in fact be fit for the purposes for which it was requested.

See Appendix A below for further information on this process and the associated data for 2023.

# Appendix "A"

## 2023 PRESTO Law Enforcement Requests Data

### Background

In December 2017, Metrolinx committed to reporting annually on how it receives and responds to law enforcement requests for PRESTO card information. Metrolinx started tracking these requests in January 2017 and released its first report in March 2018. Below is Metrolinx's six annual report, which will also be published on the PRESTO card website. This annual analysis provides Metrolinx with an opportunity to review and improve our processes and policies over time.

Grounded in a commitment to public safety and the safety and security of the region's transit system, Metrolinx's policy stipulates that, in certain circumstances, a court order will not be required to disclose certain PRESTO information to law enforcement. These situations include:

- where there are immediate concerns for a person's health and safety, such as a lost or missing person;
- in emergencies, such as where a person has been injured or is ill;
- where Metrolinx or another PRESTO transit operator is investigating a safety or security incident, such as theft or vandalism, or for the prevention or detection of crime on or in relation to a transit operator's property or services.

A court order is generally required in cases where the information related to a crime or incident committed outside of a transit system.

Metrolinx requires that all such requests be made through a specific law enforcement request form. This form requires a rationale for why the information is being sought, what it will be used for, and whether Metrolinx can notify the individual of the request. Metrolinx also requires an additional layer of oversight on these requests by requiring the requestor to obtain signed approval from their supervisor. Each form is reviewed by Privacy Office staff before requests are processed and any information is disclosed.

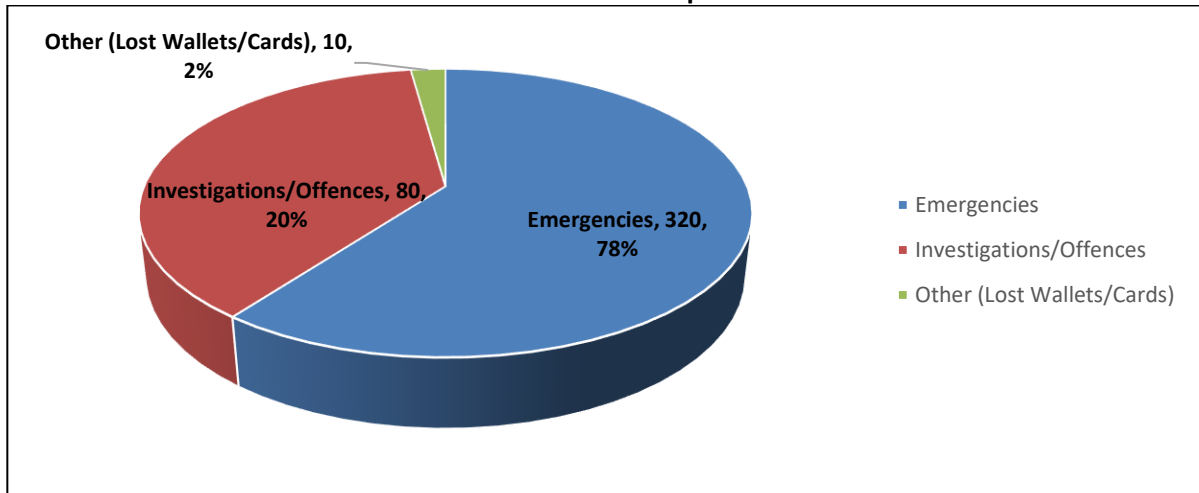
To provide additional transparency into its processes, Metrolinx annually publishes a transparency report on the number of law enforcement requests it receives and responds to. For these purposes, Metrolinx logs the following information:

- how many requests were received;
- how many disclosures were made, with and without a court order;
- what law enforcement agencies have issued requests to Metrolinx; and
- a summary of reasons why requests were rejected or modified (by disclosing less information than requested and available).

## 2023 PRESTO Law Enforcement Requests Data Transparency Report

Requested Data:

### 410 Law Enforcement Requests Received



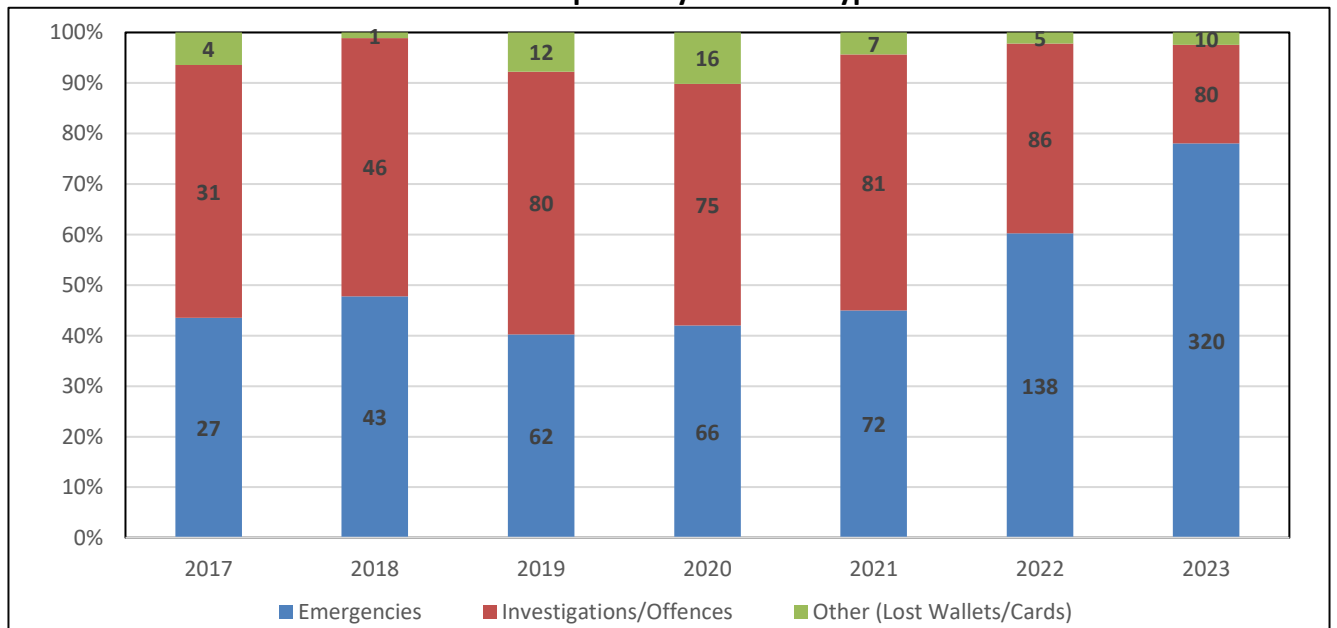
### Total PRESTO Cards Used

**2018:** 3,017,290  
**2019:** 4,249,129  
**2020:** 3,306,085  
**2021:** 2,925,834  
**2022:** 4,641,406  
**2023:** 7,812,866

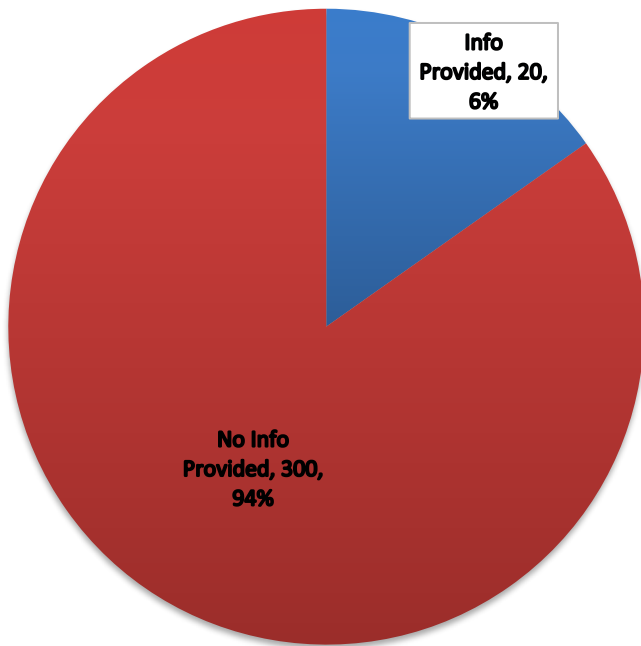
### % of Requests based on Cards Used

**2018:** 0.003%  
**2019:** 0.004%  
**2020:** 0.005%  
**2021:** 0.006%  
**2022:** 0.007%  
**2023:** 0.005%

### Total Requests by Year and Type



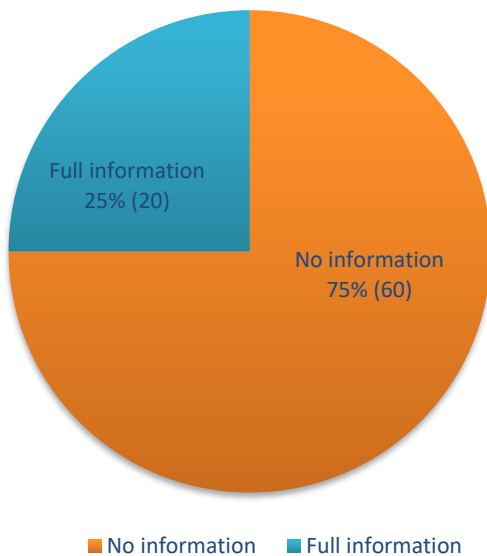
### 320 Emergency Requests



### Emergency Requests

- Includes requests for information relating to sexual assault, immigration investigations, missing persons where there are immediate and compelling concerns about their health and safety
- Some or all of the requested information was disclosed in 20 instances (6%)
- For requests relating to missing persons, travel information is typically provided only from the date that the person is reported missing

### 80 Law Enforcement Investigations/Offences



### Investigations/Offences

- Of the 80 requests received, no information was provided in 60 instances (75%) and full information in 20 instances (25%)
- Of the 80 requests received, 55 cases (69%) information was provided in response to a court order
- Requests were also received from Police forces in Durham, Halton, Hamilton, Peel, Ottawa, Toronto, and York Region

## Additional Information:

- Of the 320 emergency requests received all requests were about PRESTO information.
- In relation to emergency requests travel information was disclosed 20 times (12 per cent);
- Court orders were also obtained in relation to 55 other instances prior to disclosure of travel or personal information - representing approximately 69 per cent of all instances where Metrolinx disclosed information. In 2022 Metrolinx received 22 court orders which represented 30 percent of the overall released information
- Law enforcement requests were denied or modified for the following reasons:
  - the card was not registered so no information was available
  - the requestor withdrew or abandoned the request
  - the request sought information about an offence not committed on a transit operator's property; in these cases officers were asked to obtain a court order (in some cases resulting in the request being abandoned)